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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/347,714 07/03/99 YARBROUGH

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EXAMINER

HM22/0616

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ART UNIT

PAPER NUMBER

1614

DATE MAILED:

06/16/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/347,714

Applicant(s)  
Yarbrough et al

Examiner  
Vickie Kim

Group Art Unit  
1614



☐ Responsive to communication(s) filed on \_\_\_\_\_

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-22 is/are pending in the application.

Of the above, claim(s) 1-14 is/are withdrawn from consideration.

☒ Claim(s) 16-22 is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☒ Claim(s) 15 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 15 is objected to because of the following informalities: The newly revised term “effected” in lines 4-5 & 7 should be changed to “affected”. Appropriate correction is required.

### ***Withdrawn from Consideration***

2. Newly amended claims 1-14 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims 1-14 which were directed to a method of treatment, is now amended to a composition claims which are distinct invention and also classified separately.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-14 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Allowable Subject Matter***

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3. The subject matters of Claims 16-22 are allowable. However, claims 16-22 are objected , since claims 16-22 are dependent to the rejected claim 15.

4. Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

5. The following is an examiner's statement of reasons for allowance: Kramer et al. teach a composition and a method for disinfecting, cleansing and treatment for exposure to toxic plants such as poison ivy, comprising surfactant as optimal additives. However, it fails to teach combining ethoylates and sodium lauryl sarcosinate result in synergistic effect and increase the efficacy against urushiol induced contact dermatitis. The claimed subject matter is patentably distinct over the prior references in the art.

The surfactants used in the patented compositions may be a nonionic surfactant such as alkyl phenol ethoxylate, an anionic surfactant such as sodium lauryl sulfate, a cationic surfactant, or mixtures thereof.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

6. The claims 1-14 are withdrawn from consideration.
7. The claim 15 is objected. Claim 15 would be allowable if rewritten or amended to overcome the objection, set forth in this Office action.
8. The claims 16-22 are allowed.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Vickie Kim* whose telephone number is (703) 305-1675 (Monday-Thursday: 7AM-6PM) and Fax number is (703) 308-7924.
10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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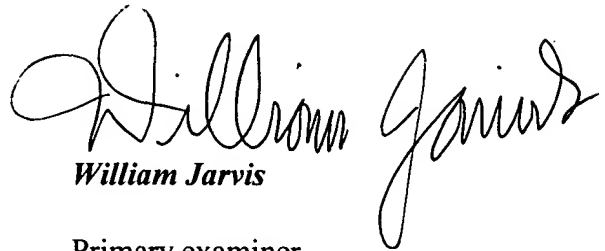
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



***Vickie Kim,***

Patent examiner

June 6, 2000



***William Jarvis***

Primary examiner

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